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April 28, 2009

VIA HAND DELIVERY

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Date: SA

Date: 4-29-09

Time: 11:30

RECEIVED
2009 APR 28 PM 4:02
SC PUBLIC SERVICE
COMMISSION

- Re: • Docket No. 2008-360-S
• April 22, 2009, Directive of the Commission
• **Alpine's Hand Delivered Correspondence of even date**

Dear Mr. Terreni:

This correspondence is responsive to Alpine Utilities, Inc.'s, (hereinafter, "Alpine") hand delivered correspondence to you of even date. This response will supplement Happy Rabbit, a South Carolina Limited Partnership, (hereinafter, "Happy Rabbit") and Mrs. Carolyn L. Cook's, (hereinafter, "Mrs. Cook") Petition for Clarification or Alternative Relief, filed with the Public Service Commission of South Carolina, (hereinafter, "Commission") on April 22, 2009.

Happy Rabbit disputes and disagrees with Alpine's self-serving interpretation of this Commission's Directive, as issued in this Docket. Specifically:

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Issue No. 1:

PSC SC
DOCKETING DEPT.

Alpine's statement that, "Therefore, it appears clear that the Commission has disposed of the Complaint filed in this matter and that any future action will be limited to those matters which are not addressed by the circuit court," is incorrect. **Nowhere in the Commission's Directive Order does it state that this Commission has disposed of this matter.** The

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Complaints were simply dismissed without prejudice, while the Circuit Court reviews the question of § 27-33-50 (a copy of the Commission's Directive is attached hereto for your ready reference).

Issue No. 2:

As to Happy Rabbit's request for the continued protection of R. 103.538 (B), Alpine argues that the following excerpt from the Directive, "If necessary, the Commission would subsequently entertain any request for the filing of new pleadings regarding any unresolved issues for which it is claimed to have jurisdiction," somehow means that there are no unresolved issues in this docket as to the Complaints of Happy Rabbit and Mrs. Cook.

Such a stilted interpretation of the Commission's Directive is inapposite. Because no issues were resolved in this Docket, the Commission's Directive can only mean what it says, that the Commission will entertain new pleadings regarding any unresolved issues, now, or in the future when the Docket is reactivated. The Commission's statement cannot mean what Alpine argues that it means, because Alpine's interpretation, although self-serving to Alpine, contradicts the uncontroverted fact that no issues have been resolved in this Docket, as of this writing.

Representatives of Happy Rabbit are escrowing funds equal to its monthly sewer charges to Alpine, and have been escrowing such funds since the date of their Complaint and will continue to do so, in an account established for that purpose. This Commission's Final Order could formally require representatives of Happy Rabbit to maintain that account, and Alpine would be formally protected.

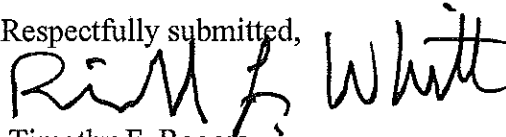
Alpine seems to argue that this Commission cannot, in its discretion, order the Complaints of Happy Rabbit and Mrs. Cook to be held in abeyance pending the outcome of the Circuit Court action. In fact Alpine goes as far as to state on page two of its correspondence, "...the requested relief, which is not permitted by law..." We disagree, this Commission can and should, in its discretion, order the Complaints of Happy Rabbit and Mrs. Cook to be held in abeyance pending the outcome of the Circuit Court proceeding.

Again, Happy Rabbit commits to neither asking for reconsideration, nor appealing the Final Order of the Commission in this matter, if this Commission grants the alternative relief

sought by Happy Rabbit. Such an appeal would, of necessity, entail immediate proceedings requesting a temporary restraining order to prevent Alpine from disconnecting the sewerage service of Happy Rabbit. It would seem that Alpine would like to avoid the additional attorney's fees and litigation costs to be incurred by Alpine, if Happy Rabbit is forced to seek reconsideration, appeal the Commission's Order, and to seek a temporary restraining order. Such actions would also be an unnecessary burden on this Commission and a waste of its judicial economy.

Happy Rabbit re-alleges its Petition for Clarification/Alternative Relief and based on the foregoing and Happy Rabbit's petition, Happy Rabbit requests that this Commission grant the relief sought by Happy Rabbit (Alpine has consented to the relief sought by Happy Rabbit in Issue No. 1 therein), and for such other and further relief as this Commission may deem appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy F. Rogers".

Timothy F. Rogers

Richard L. Whitt

Jefferson D. Griffith, III

Counsel of Record for Carolyn L. Cook

and Happy Rabbit, a South Carolina

Limited Partnership on behalf of Windridge

Townhomes

RLW/jjy
Enclosure

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-360-S**

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2009 APR 28 PM 4:02
SC PUBLIC SERVICE
COMMISSION

IN RE:

Happy Rabbit, LP on Behalf of,
Windridge Townhomes,

Complainant,
v.
Alpine Utilities, Inc.,
Respondent


CERTIFICATE OF SERVICE

I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I caused to be delivered a copy of Happy Rabbit's Response to Alpine's April 28, 2009 correspondence, in the above referenced matter as indicated below, via Hand Delivery as addressed below, or e-mail on April 28, 2009.

Attorney Benjamin P. Mustian
930 Richland Street
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Via Hand-Delivery

Nanette S. Edwards, Esquire
Via e-mail

Austin & Rogers, P.A.


Jessica Yun

Columbia, South Carolina
April 28, 2009

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